

Notice of Allowability	Application No.	Applicant(s)	
	10/687,414	T. Tegreene et al.	
	Examiner	Art Unit	
	Vincent E. Kovalick	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment dated 2/9/06.
2. ☒ The allowed claim(s) is/are 53, 62-66 and 77-78; (renumbered 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/9/02 & 7/6/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment dated February 9, 2006 in response to USPTO Office Action dated September 7, 2005.

The cancellation of claims 1-52, 54-61, and 75-76; the withdrawal of claims 67-74 and the amendments to claims 53, 62-66 and 77-78 have been noted and entered in the record.

The amendments to claims 53, 62-66 and 77-78 are sufficient to place the application in a condition for allowance as set forth herein below.

Examiners Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Attorney Mr. Christopher A. Wiklof (Reg. No. 43,990) in a telecon on March 15, 2006.

- o Please cancel withdrawn claims 67-74.

Allowable Subject Matter

3. Claims 53, 62-66 and 77-78 are allowed.

Relative to claim 53, the major difference between the teachings of the prior art of record (USP 6,095,421, Barkan et al.; USUP 5,900,886, Shay; USP 5,668,648, Saito et al.; USP 5,285,237, Parulski et al. and USP 5,059,778, Zouzoulas et al.) and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device comprising a decoder containing first computer instructions for decoding a two-dimensional symbol represented by patterns of light received by the detector; and a display controller coupled to the decoder and containing second computer instructions for modulating the visible light source to produce a variable displayed pattern of light on the field of view.

Relative to claim 62, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein the variable displayed pattern of light includes a finder pattern.

Relative to claim 63, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein the variable displayed pattern of light includes human readable indicia.

Regarding claim 64, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein a variable displayed pattern of light includes human readable text.

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Relative to claim 65, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein the variable displayed pattern of light is responsive to data decoded by the decoder.

Regarding claim 66, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein the second computer instructions include a bitmap corresponding to the variable displayed pattern of light.

Relative to claim 77, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein the step of determining a set of presentation data includes determining that a decode did not occur.

Regarding claim 78, , the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a scanned beam image capture device wherein the presentation data includes indicia indicting the need to optically interrogate the surface again.

Response to Applicant's Remarks

4. Regarding Applicant's remarks relative to the withdrawal of claims 67-74, said claims must be cancelled in order to allow the remaining claims 53, 62-66 and 77-78.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,854,655	Barkan
U. S. Patent No.	6,538,625	Tidwell et al.
U. S. Patent No.	4,400,740	Traino et al.

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To Respond

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E. Kovalick whose telephone number is 571-272-7669. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vincent E. Kovalick
March 17, 2006



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SUPERVISORY PATENT EXAMINER
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